

Amendments to House Bill No. 154
1st Reading Copy

EXHIBIT 2
DATE 1-31-07
HB 154

Requested by Representative Mary Caferro

For the House Human Services Committee

Prepared by Sue O'Connell
January 24, 2007 (8:16am)

1. Title, page 1, line 8.

Following: "53-20-102,"

Insert: "53-20-112,"

2. Page 3, line 16.

Following: line 15

Insert: "Section 2. Section 53-20-112, MCA, is amended to read:

"53-20-112. Procedural rights -- appointment of counsel.

(1) A respondent has all the rights accorded to a person subject to involuntary commitment proceedings under the laws of this state relating to involuntary commitment of a person who suffers from a mental disorder and who requires commitment, as provided in 53-21-115 through 53-21-118.

(2) In addition, the parents or guardian of a respondent ~~have~~ has the right to:

(a) be present at any hearing held pursuant to this part;

(b) be represented by counsel in any hearing;

(c) offer evidence and cross-examine witnesses in any hearing; and

(d) have the respondent examined by a professional of their the parents' or guardian's choice when a professional is reasonably available, unless the person chosen is objected to by the respondent or by a responsible person appointed by the court.

(3) Upon receipt of a petition for commitment, recommitment, or emergency commitment, the court shall order the office of the state public defender, provided for in 47-1-201, to assign counsel for the respondent. If the parents are indigent and if the parents request it or if the guardian is indigent and the guardian requests it, the court shall order the office of state public defender to assign counsel for the parents or guardian pending a determination of indigence pursuant to 47-1-111."

{ Internal References to 53-20-112:

47-1-104x 47-1-104x } "

Renumber: subsequent sections

3. Page 4, line 28 through page 4, line 30.

Following: "(4)" on line 28

Strike: "A copy" on page 4, line 28 through "of filing." on page

4, line 30

Insert: "The county attorney shall immediately mail a copy of the petition to the residential facility screening team, the respondent's parents or guardian, if any, and the respondent's counsel. The county attorney shall ensure that the petition is promptly hand-delivered to the respondent."

4. Page 5, lines 18 through 22.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

5. Page 6, line 6.

Following: "subsection"

Strike: "(5)"

Insert: "(4)"

6. Page 9, line 12.

Following: "bodily"

Strike: "harm"

Insert: "injury, as defined in 45-2-101"

7. Page 10, line 3.

Following: "bodily"

Strike: "harm"

Insert: "injury, as defined in 45-2-101"

8. Page 12, line 13.

Following: "bodily"

Strike: "harm"

Insert: "injury, as defined in 45-2-101"

9. Page 13, line 23.

Strike: "2 and 11"

Insert: "3 and 12"

10. Page 13, line 24.

Strike: "2"

Insert: "3"

11. Page 13, line 25.

Strike: "11"

Insert: "12"

- END -